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RICHARD W. WIEKING  
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NORTHERN DISTRICT OF CALIFORNIA

9 UNITED STATES DISTRICT COURT

10 NORTHERN DISTRICT OF CALIFORNIA  
11 SAN FRANCISCO DIVISION

12 STATE OF CALIFORNIA  
13 DEPARTMENT OF TOXIC  
14 SUBSTANCES CONTROL,

15 Plaintiff,

16 v.

17 AEROJET-GENERAL CORPORATION;  
18 ALLIED-SIGNAL, INCORPORATED;  
19 ALTERNATIVE MATERIALS  
20 TECHNOLOGY, INCORPORATED (for  
21 U.S. CELLULOSE); ASHLAND  
22 CHEMICAL, INCORPORATED;  
23 CHEMCENTRAL CORPORATION;  
24 CHEVRON U.S.A., INCORPORATED;  
25 COURTAULDS COATINGS,  
26 INCORPORATED (for  
27 INTERNATIONAL PAINT COMPANY);  
28 DELTA AIR LINES, INCORPORATED;  
DORSETT & JACKSON,  
INCORPORATED; THE DOW  
CHEMICAL COMPANY; E.I. DuPONT  
de NEMOURS & CO., INCORPORATED;  
EUREKA CHEMICAL COMPANY;  
EUREKA FLUID WORKS; FORD  
MOTOR COMPANY; GENERAL

Case No.: C 00 4796 PJH

**[PROPOSED] NOTICE OF  
PROPOSED SETTLEMENT AND  
HEARING**

**[PROPOSED] NOTICE OF PROPOSED  
SETTLEMENT AND HEARING**

CASE NO. : C 00 4796 PJH

1 MOTORS CORPORATION; GREAT  
2 WESTERN CHEMICAL COMPANY;  
3 HEWLETT-PACKARD COMPANY;  
4 INTER-STATE OIL COMPANY;  
5 INGERSOLL-RAND COMPANY (for  
6 SCHLAGE LOCK COMPANY); INTEL  
7 CORPORATION; INTERNATIONAL  
8 PAPER COMPANY (for STECHER-  
9 TRAUNG-SCHMIDT); KAISER  
10 ALUMINUM & CHEMICAL  
11 CORPORATION; LITTON ELECTRON  
12 DEVICES (a division of LITTON  
13 SYSTEMS, INCORPORATED);  
14 LOCKHEED MARTIN CORPORATION  
15 (successor to LOCKHEED MISSILES &  
16 SPACE COMPANY, INCORPORATED);  
17 MAXUS ENERGY CORPORATION (for  
18 OCCIDENTAL CHEMICAL  
19 CORPORATION, successor to DIAMOND  
20 SHAMROCK CHEMICALS COMPANY,  
21 f.k.a. DIAMOND SHAMROCK  
22 CORPORATION); McKESSON HBOC,  
23 INCORPORATED; MONSANTO  
24 COMPANY; NI INDUSTRIES,  
25 INCORPORATED; NL INDUSTRIES,  
26 INCORPORATED; THE O'BRIEN  
27 CORPORATION (for FULLER-O'BRIEN  
28 PAINTS); OLYMPIAN OIL COMPANY;  
OWENS-ILLINOIS, INCORPORATED;  
PACIFIC GAS & ELECTRIC  
COMPANY; PENNZOIL-QUAKER  
STATE COMPANY; PUREGRO  
COMPANY; RAYCHEM  
CORPORATION; REDDING  
PETROLEUM, INCORPORATED;  
REDWOOD OIL COMPANY;  
REICHOLD CHEMICALS,  
INCORPORATED; REYNOLDS  
METALS COMPANY; R.J.  
McGLENNON COMPANY,  
INCORPORATED; ROCHESTER  
MIDLAND CORPORATION (for  
BYTECH CHEMICAL CORPORATION);  
ROHM & HAAS COMPANY; ROMIC

1 ENVIRONMENTAL TECHNOLOGIES  
2 CORPORATION (successor to ROMIC  
3 CHEMICAL CORPORATION); SANDOZ  
4 AGRO, INCORPORATED (for ZOECON  
5 CORPORATION); SAN FRANCISCO  
6 BAY AREA RAPID TRANSIT  
7 DISTRICT; SEQUA CORPORATION (for  
8 GENERAL PRINTING INK, a division of  
9 SUN CHEMICAL); SHELL OIL  
10 COMPANY; SIMPSON COATINGS  
11 GROUP, INCORPORATED; STANFORD  
12 UNIVERSITY; THE STERO COMPANY;  
13 SYNERGY PRODUCTION GROUP,  
14 INCORPORATED (d.b.a. HALEY  
15 JANITORIAL SUPPLY CO.,  
16 INCORPORATED and WESTERN  
17 CHEMICAL COMPANY); SYNTEX  
18 (U.S.A.), INCORPORATED; TAP  
19 PLASTICS, INCORPORATED;  
20 TELEDYNE RYAN AERONAUTICAL,  
21 McCORMICK SELPH ORDNANCE  
22 UNIT (for TELEDYNE McCORMICK  
23 SELPH); TEXTRON, INCORPORATED;  
24 UNION OIL COMPANY OF  
25 CALIFORNIA; UNITED AIR LINES,  
26 INCORPORATED; UNITED STATES  
27 DEFENSE REUTILIZATION  
28 MARKETING SERVICE; UNITED  
TECHNOLOGIES CORPORATION;  
UNIVERSITY OF CALIFORNIA; VAN  
WATERS & ROGERS INCORPORATED;  
VOPAK DISTRIBUTION AMERICAS  
CORPORATION (f.k.a. UNIVAR  
CORPORATION); W.R. GRACE &  
COMPANY; and W.R. MEADOWS,  
INCORPORATED,

Defendants.

1 Set forth below is the proposed text of a publication notice. The non-federal defendants  
2 submit it for the Court's approval.

3  
4 I. INTRODUCTION

5 A hearing regarding the proposed settlement and consent decree of this action will be  
6 held on July 11, 2001 at 9:00 a.m. before the Honorable Phyllis J. Hamilton at the United  
7 States Courthouse, 450 Golden Gate Avenue, 16th Floor, Room 1111, San Francisco, CA  
8 94102. The hearing will be held to determine whether the proposed settlement is fair,  
9 reasonable and adequate.

10 II. BACKGROUND OF THE CASE

11 The Bay Area Drum *Ad Hoc* Potentially Responsible Parties ("PRP") Group (the  
12 "Group") consists of 64 companies and 1 public entity that the California Department of Toxic  
13 Substances Control ("DTSC") has identified as PRPs at the Bay Area Drum State Superfund  
14 Site located at 1212 Thomas Avenue, San Francisco, California ("the Site"). On March 14,  
15 1996, after having already performed significant investigative work at the Site, the Group  
16 entered into a Consent Order with DTSC in which it expressly denied any liability and  
17 reserved all defenses and rights but nonetheless agreed to perform certain additional Site  
18 investigation tasks that are to culminate in the preparation of a draft remedial action plan. On  
19 April 4, 1996, DTSC issued an Imminent & Substantial Endangerment Order to those PRPs  
20 that did not sign the Consent Order and that had not been cooperating with DTSC or  
21 performing work at the Site.

22 The Group's cooperation with DTSC on remedial investigation work at the Site prior to  
23 entering into the Consent Order included the following: (1) transportation and offsite treatment  
24 of investigation-derived wastes generated and stored at the Site by DTSC; (2) groundwater  
25 sampling, laboratory analysis and reporting; (3) flux chamber soil-vapor air sampling,  
26 laboratory analysis and reporting; (4) preparation and submission of a Risk Assessment  
27 Workplan (June 1994), approved by DTSC January 1995; and (5) preliminary work on the  
28 Baseline Risk Assessment. Since entering into the Consent Order, the Site investigation work

1 performed by the Group includes the following additional items (all of which were performed  
2 in accordance with the Consent Order's timetable requirements, or were performed pursuant to  
3 separate requests by DTSC not included in the Consent Order): (1) prepared and submitted a  
4 Baseline Risk Assessment (May 1996), approved by DTSC May 1997; (2) prepared and  
5 submitted a Groundwater Monitoring Workplan (May 1996), approved by DTSC August  
6 1996; (3) prepared and submitted a Public Participation Plan (May 1996), approved by DTSC  
7 March 1997; (4) performed regular rounds of groundwater sampling, laboratory analysis and  
8 reporting; (5) surveyed and repaired DTSC's monitoring wells and peizometers in the vicinity  
9 of the Site; (6) prepared and submitted an RI/FS Workplan (July 1997); and (7) prepared and  
10 submitted a Feasibility Study and Remedial Action Plan ("FS/RAP").

11 Performance of the above investigative work has entailed regular oversight meetings  
12 with DTSC and the Regional Water Quality Control Board for the San Francisco Bay Region,  
13 as well as the negotiation of access agreements with the current owners of the Site and others.  
14 The Group also has worked within the community to inform area residents about the  
15 investigative work being performed at the Site by distributing fact sheets, maintaining and  
16 updating the local information repository, and attending numerous public meetings.

### 18 III. SETTLEMENT AND CONSENT DECREE

19 The parties have agreed to a settlement and have entered into a consent decree. The  
20 Consent Decree was the result of lengthy negotiations between DTSC and the defendants. The  
21 issues negotiated included the scope of the cleanup and the amount to be paid to settle DTSC's  
22 claim for its past response costs.

23 The Group and DTSC both concluded that the terms of the Consent Decree constituted  
24 a fair and reasonable compromise, and one that will serve the public interest by ensuring the  
25 cleanup of the site to residential standards, thereby protecting public health and the  
26 environment. The Group is continuing to perform work at the Site so as to be ready to  
27 implement the remedy during the 2001 construction season. This work includes extensive soil  
28 removal, groundwater remedial activities consisting of enhanced monitored biodegradation

1 techniques employing the injection of oxygen reducing compounds, confirmation soil and  
2 groundwater sampling to ensure the achievement of residential cleanup standards, and follow-  
3 up remedial activities in accordance with an approved Operation, Maintenance and Monitoring  
4 Agreement. The Group has also engaged an environmental consultant to implement the  
5 cleanup in accordance with the Consent Decree.

6 A full copy of the Settlement Agreement and Consent Decree may be examined during  
7 regular office hours in the office of the clerk of the United States District Court for the  
8 Northern District of California. The pleadings and all other records of this litigation may be  
9 examined and copied any time during regular office hours in the office of the clerk of the  
10 United States District Court, at the above listed address.

11 IV. CONCLUSION

12 The non-federal defendants request that this Court approve the above text for  
13 publication notice.

14 —  
15 PARTIES INVOLVED

- 16 1. AEROJET-GENERAL CORPORATION;
- 17 2. ALLIED-SIGNAL, INCORPORATED;
- 18 3. ALTERNATIVE MATERIALS TECHNOLOGY, INCORPORATED (for U.S.  
19 CELLULOSE);
- 20 4. ASHLAND CHEMICAL, INCORPORATED;
- 21 5. CHEMCENTRAL CORPORATION;
- 22 6. CHEVRON U.S.A., INCORPORATED;
- 23 7. COURTAULDS COATINGS, INCORPORATED (for INTERNATIONAL PAINT  
24 COMPANY);
- 25 8. DELTA AIR LINES, INCORPORATED;
- 26 9. DORSETT & JACKSON, INCORPORATED;
- 27 10. THE DOW CHEMICAL COMPANY;

- 1 11. E.I. DuPONT de NEMOURS & CO., INCORPORATED;
- 2 12. EUREKA CHEMICAL COMPANY;
- 3 13. EUREKA FLUID WORKS;
- 4 14. FORD MOTOR COMPANY; GENERAL MOTORS CORPORATION;
- 5 15. GREAT WESTERN CHEMICAL COMPANY;
- 6 16. HEWLETT-PACKARD COMPANY;
- 7 17. INTER-STATE OIL COMPANY;
- 8 18. INGERSOLL-RAND COMPANY (for SCHLAGE LOCK COMPANY);
- 9 19. INTEL CORPORATION;
- 10 20. INTERNATIONAL PAPER COMPANY (for STECHER-TRAUNG-SCHMIDT);
- 11 21. KAISER ALUMINUM & CHEMICAL CORPORATION;
- 12 22. LITTON ELECTRON DEVICES (a division of LITTON SYSTEMS,
- 13 INCORPORATED);
- 14 23. LOCKHEED MARTIN CORPORATION (successor to LOCKHEED MISSILES &
- 15 SPACE COMPANY, INCORPORATED);
- 16 24. MAXUS ENERGY CORPORATION (for OCCIDENTAL CHEMICAL
- 17 CORPORATION, successor to DIAMOND SHAMROCK CHEMICALS
- 18 COMPANY, f.k.a. DIAMOND SHAMROCK CORPORATION);
- 19 25. McKESSON HBOC, INCORPORATED;
- 20 26. MONSANTO COMPANY;
- 21 27. NI INDUSTRIES, INCORPORATED;
- 22 28. NL INDUSTRIES, INCORPORATED;
- 23 29. THE O'BRIEN CORPORATION (for FULLER-O'BRIEN PAINTS);
- 24 30. OLYMPIAN OIL COMPANY;
- 25 31. OWENS-ILLINOIS, INCORPORATED;
- 26 32. PACIFIC GAS & ELECTRIC COMPANY;
- 27 33. PENNZOIL-QUAKER STATE COMPANY;
- 28

- 1 34. PUREGRO COMPANY;
- 2 35. RAYCHEM CORPORATION;
- 3 36. REDDING PETROLEUM, INCORPORATED;
- 4 37. REDWOOD OIL COMPANY;
- 5 38. REICHHOLD CHEMICALS, INCORPORATED;
- 6 39. REYNOLDS METALS COMPANY;
- 7 40. R.J. McGLENNON COMPANY, INCORPORATED;
- 8 41. ROCHESTER MIDLAND CORPORATION (for BYTECH CHEMICAL CORPORATION);
- 9 42. ROHM & HAAS COMPANY;
- 10 43. ROMIC ENVIRONMENTAL TECHNOLOGIES CORPORATION (successor to ROMIC CHEMICAL CORPORATION);
- 11 44. SANDOZ AGRO, INCORPORATED (for ZOECON CORPORATION);
- 12 45. SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT;
- 13 46. SEQUA CORPORATION (for GENERAL PRINTING INK, a division of SUN CHEMICAL);
- 14 47. SHELL OIL COMPANY;
- 15 48. SIMPSON COATINGS GROUP, INCORPORATED;
- 16 49. STANFORD UNIVERSITY;
- 17 50. THE STERO COMPANY;
- 18 51. SYNERGY PRODUCTION GROUP, INCORPORATED (d.b.a. HALEY JANITORIAL SUPPLY CO., INCORPORATED and WESTERN CHEMICAL COMPANY);
- 19 52. SYNTEX (U.S.A.), INCORPORATED;
- 20 53. TAP PLASTICS, INCORPORATED;
- 21 54. TELEDYNE RYAN AERONAUTICAL, McCORMICK SELPH ORDNANCE UNIT (for TELEDYNE McCORMICK SELPH);



- 1 55. TEXTRON, INCORPORATED;  
2 56. UNION OIL COMPANY OF CALIFORNIA;  
3 57. UNITED AIR LINES, INCORPORATED;  
4 58. UNITED STATES DEFENSE REUTILIZATION MARKETING SERVICE;  
5 59. UNITED TECHNOLOGIES CORPORATION;  
6 60. UNIVERSITY OF CALIFORNIA; VAN WATERS & ROGERS  
7 INCORPORATED;  
8 61. VOPAK DISTRIBUTION AMERICAS CORPORATION (f.k.a. UNIVAR  
9 CORPORATION);  
10 62. W.R. GRACE & COMPANY; and  
11 63. W.R. MEADOWS, INCORPORATED.

12 DATED: \_\_\_\_\_

HELLER EHRMAN WHITE & McAULIFFE LLP  
333 Bush Street  
San Francisco, CA 94104

15  
16 By \_\_\_\_\_

JOSEPH J. ARMAO  
Attorneys for the Non-Federal Defendants

18  
19 IT IS SO APPROVED.

20  
21 DATED: \_\_\_\_\_, 2001

22  
23  
24 THE HONORABLE PHYLLIS J. HAMILTON  
25 UNITED STATES DISTRICT JUDGE  
26  
27  
28